

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF

United States Courts  
Southern District of Texas  
FILED

JUN 14 2011

David J. Bradley, Clerk of Court

IN THE MATTER OF )

THE EXTRADITION OF )

Andersen, Bo Steffen )

Misc. No.

H11-673m

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COMPLAINT FOR PROVISIONAL ARREST  
WITH A VIEW TOWARDS EXTRADITION  
(18 U.S.C. §3184)

I, the undersigned Assistant United States Attorney, being duly sworn, state on information and belief that the following is true and correct:

1. I represent the United States in fulfilling its treaty obligation to the Kingdom of Denmark.
2. There is an extradition treaty in force between the United States and the Kingdom of Denmark entitled, "Treaty on Extradition Between the United States of America and the Kingdom of Denmark, U.S.-Den., June 22, 1972, 25 U.S.T. 1293." There is also an extradition treaty in force between the United States and the European Union, of which Denmark is a member, entitled, "Agreement with the European Union, U.S.-EU, June 23, 2003, S. Treaty Doc. No. 109-14(2006)" which was signed by the Government of the Kingdom of Denmark on 23 June 2005.
3. The extradition treaties provide in Article 12 for the provisional arrest and detention of alleged fugitives pending the submission of a formal request for extradition and supporting documents. In accordance with Article 12 of the treaties, the Government of the Kingdom of Denmark has asked the United States for the provisional arrest of BO STEFFEN ANDERSEN (hereinafter "ANDERSEN") with a view towards his extradition.
4. According to the information provided by the requesting state, ANDERSEN was charged

with "Embezzlement of a particularly serious nature," in violation of Section 278(1)(3) and Section 286(2) of the Criminal Code committed within the jurisdiction of Kingdom of Denmark, and a warrant for his arrest was issued on 7 June 2010, by Judge Hanne Sofie Christe, in the Court of Sønderborg, Law of Courts of the Kingdom of Denmark. The High Court of Western Denmark on upheld the order of Judge Christe on 16 June 2010. On 11 August 2010 the Ministry of Justice issued a European Arrest Warrant against ANDERSEN based on the High Court of Western Denmark's order of imprisonment dated 16 June, 2010.

5. The warrant was issued on the basis of the following facts:

A police report was filed on 19 September 2006 by the Danish Parish Work Association (hereinafter "Association") in Sønderborg alleging that ANDERSEN, the association's chairman had embezzled of approximately DKK 850,000 (approximately U.S. \$163,658.00) of the association's funds. ANDERSEN was interviewed on 8 January 2007, by police regarding the alleged embezzlement charges and during the interview ANDERSEN agreed to provide, by 29 January 2007, documentation that the money he withdrew from the Association funds was spent on Association expenses. ANDERSEN did not produce the documentation showing the Association money had been spent on Association expenses. ANDERSEN sent a letter from Spain on 22 June 2007 apologizing for not producing the agreed documentation.

The police obtained bank documents, investigated the checks issued from the Association account, and concluded on 18 September 2007 that ANDERSEN had spent a total of DKK 695,299.27 (approximately U.S. \$136,000.00) from the Association bank account unlawfully and not for Association purposes. The parents of ANDERSEN informed the police on 25 September 2007 that ANDERSEN had moved to Germany in February of 2007 and that they had no contact with him.

An indictment was returned on 10 July 2008 by the Prosecution Service of South Jutland Police charging ANDERSEN, the chairman and sole person with a mandate to sign for transactions in the bank account of the Association, with unlawfully spending DKK 695,299.27 (approximately U.S. \$136,000.00) of the Association funds between 1 September 2005 and 7 August 2006. Trial was set for 10 February 2009. The police served the indictment and summons on ANDERSEN to Thorup Strandvej 20, 9690 Fjerritslev, Denmark; however, despite having spoken with his defense counsel, ANDERSEN did not show up for trial. The Court ordered the arrest of ANDERSEN for failing to appear for trial without lawful excuse, and after three (3) failed trial settings, on 7 June 2010, the Court of Sønderborg ordered the imprisonment of ANDERSEN in absentia. The order for imprisonment was upheld by the High Court of Western Denmark on 16 June 2010.

A second indictment was filed on 23 July 2010 correcting the statutory sections cited, specifically changing "in violation of 278(1)(3) read with section 286(1) of the Criminal Code" to "in violation of 278(1)(3) read with section 286(2) of the Criminal Code." On 26, July 2010, the Court of Sønderborg found the changed indictment did not give rise to any need to amend the order for arrest of 7 June 2010, as upheld by the High Court of Western Denmark on 16 June 2010.

6. The offense with which ANDERSEN is charged is provided for in Article 3 of the extradition treaties cited above.

7. The statute of limitations has not passed in this matter. Section 93(1)(3) of the Criminal Code provides for a limitation period of ten (10) years when the offense is punishable by less than ten (10) years. Limitations begins from the last day of criminal activity and may be interrupted when the offender is made aware of the charge or the prosecution requests legal proceedings. ANDERSEN is charged with criminal activity read with Section 286(2) of the Criminal Code which prescribes imprisonment for a period up to eight (8) years. The criminal activity of ANDERSEN ended on 7

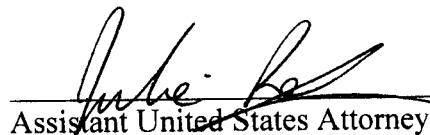
August 2005. The running of limitations was interrupted on 8 January 2007 when ANDERSEN was informed of the charges against him, and as of 26 July 2009 when the Indictment and Summons for Trial were served on him.

8. ANDERSEN is a Danish national who was born on 9 April 1965 in Thisted, Denmark. ANDERSEN may be found within the jurisdiction of this court at 1018 Birnham Wood Blvd, Pasadena, Texas 77503. On 28 March 2011 Jens Peder Meldgard, a member of the Association with personal knowledge of ANDERSEN, identified ANDERSEN in a photo line up, which included a photo of ANDERSEN received from the United States.

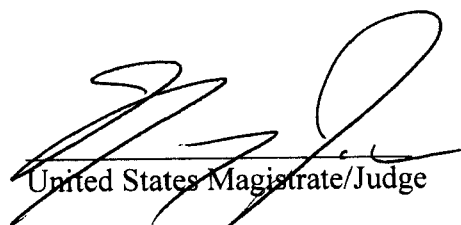
9. The requesting state has represented that it will submit a formal request for extradition, supported by the documents specified in the treaty, within the time required under the treaty;

10. The person named above would be likely to flee if he learned of the existence of a warrant for his or her arrest.

WHEREFORE, the undersigned complainant requests that a warrant for the arrest of the person named above be issued in accordance with Title 18, United States Code, Section 3184, and the Extradition Treaty between the United States and Kingdom of Denmark , and that this complaint and the warrant be placed under the seal of the court, except as disclosure is needed for its execution, until such time as the warrant is executed.

  
Assistant United States Attorney

Sworn to before me and subscribed in my presence this 14<sup>th</sup> day of  
June, 2011, at 11:02 am

  
United States Magistrate/Judge